

**GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT**

(*GO. Rt. No. 226/AIL/Lab./J/2011, dated 29th December 2011*)

NOTIFICATION

Whereas, the Award in I.D. No. 24/2006, dated 29-7-2011 of the Labour Court, Puducherry in respect of the industrial dispute between the management of M/s. Shashun Chemicals and Drugs Limited, Puducherry and Thiru S. Murugan over non-employment has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) read with the notification issued in Labour Department's G.O. Ms. No.20/91/Lab./L, dated 23-5-1991, it is hereby directed by Secretary to Government (Labour) that the said Award shall be published in the official gazette, Puducherry.

(By order)

G. MALAR KANNAN,
Joint Secretary to Government (Labour).

BEFORE THE LABOUR COURT AT PUDUCHERRY

*Present : Thiru T. MOHANDASS, M.A., M.L.,
II Additional District Judge,
Presiding Officer, Labour Court,
Puducherry.*

Friday, the 29th day of July 2011

I.D. No. 24/2006

S. Murugan ... Petitioner

Versus

- (1) Shashun Chemicals and Drugs Limited, Periyakalapet, Puducherry.
- (2) Venkatesan, Labour Contractor, Shashun Chemicals and Drugs Limited, Periyakalapet, Puducherry. . . Respondents.

This petition coming before me for final hearing on 11-7-2011 in the presence of Thiru T. Gunasegaran, advocate for the petitioner, Thiru K. Babu, counsel for the first respondent and Thiru S. Karthikeyan, advocate for the second respondent, upon hearing both sides, after perusing the case records and having stood over for consideration till this day, this court delivered the following :

AWARD

This industrial dispute arises out of the reference made by the Government of Pondicherry, *vide* G. O.Rt. No.144/2006/Lab./AIL/AJ, dated 27-9-2006 of the Labour Department, Pondicherry, to resolve the following dispute between the petitioners and the respondents, *viz.*,

(1) Whether the non-employment of Thiru S. Murugan by the management of M/s. Shashun Chemicals and Drugs Limited, Pondicherry is justified or not?

(2) If not, what remedy, he is entitled to?

(3) To compute the relief, if any, awarded in terms of money, if it can be so computed?

2. The petitioner in his claim statement would aver that he was working as Driver in the first respondent from 3-2-1999 and he was given a salary of ₹ 6,000 per month. Eventhough he served for several years in the first respondent company, the salary was given by obtaining signature on the vouchers only. The General Manager of first respondent asked the petitioner to drive a vehicle for Chief Operation Officer Mr. B. Mithra for one month. The management has not given salary for that month from company and asked the petitioner to get the salary from the said officer. The management of the first respondent told the petitioner that he has no work hereafter and asked him to leave the firm on 7-9-2005 by oral order of dismissal. The above oral order of dismissal, dated 7-9-2005 is not valid under law and not binding and liable to be cancelled.

After five years, the petitioner demanded confirmation order with the identity card from the management and for that the Personnel Manager of Shashun Chemicals and Drugs Limited issued a certificate, dated 1-1-2004 to the petitioner confirming him as a Driver and he told him that he will issue the identity card after getting necessary permission from the Head Office.

On 10-10-2004, the petitioner approached the Personnel Manager of the company and demanded to issue confirmation order together with identity card and the facility of P.F. and E.P.F. Hence, the Personnel Manager of the first respondent got angry and called the Labour Contractor, the second respondent herein and asked him to send the E.S.I. contribution through him and then he wrote a letter to the local office and changed the E.S.I. code number with an intention to treat the petitioner as a contract labour. Hence, he is an employee of the first respondent and not a labour under Labour Contractor. The sudden oral dismissal order of non-employment is not valid in the eye of law and it is totally unlawful and the petitioner is entitled for reinstatement at the same category. Hence, this petition is filed.

3. The first respondent filed a counter statement and contended that the petitioner is not the workman of this respondent and there does not exist any employer-employee relationship between them, as he was not employed by this respondent. This respondent engaged a contractor by name M. Savarimuthu to supply contract labour for carrying out the contractual obligations entrusted to him as and when required and he used to engage his own labour to carry out the said work. The petitioner was employed under the said contractor. In the year 2004 some more new man power contractors were engaged by the first respondent and the second respondent was one among them. Later the said contractor Savarimuthu severed his contract with the first respondent in the year 2005 and at the request of the petitioner, the second respondent took him on his roll and continued to deploy him as a driver in the first respondent company as and when required. Hence, the claim of the petitioner is totally unsustainable and he is not entitled to any relief as against this respondent.

4. The second respondent in his counter statement has stated that the petitioner was not a workman of the first respondent company and he was in fact employed by the second respondent in the first respondent's company intermittently for driving and housekeeping jobs as and when there was work and he had not done any regular work. Prior to the contract by the second respondent with the first respondent, one Savarimuthu was supplying man power to the first respondent. The petitioner was in fact an employee of the said Savarimuthu and later during the year 2005, the said Savarimuthu rescinded his contract with the first respondent. At that point of time, the second respondent offered employment to the men of Savarimuthu and as such the petitioner was also provided work by the second respondent in the first respondent's unit. Thereafter the second respondent was making payment of wages to the petitioner. However, from the end of month of August 2005, the petitioner has not reported to the second respondent for duty. The petitioner was covered under E.S.I. as per statute, which does not provide him any confirmed status. Hence, he prays for dismissal of the petition.

5. On the side of the petitioner, PW.1 was examined and marked Ex.P1 to Ex.P10. On the side of the respondent, RW.1 and RW.2 were examined and Ex.R1 to Ex.R43 were marked.

6. Now the points for determination are:

1. Whether the petitioner was an employee under the first respondent?

2. Whether the petitioner is entitled for the relief sought for?

On point No.1:

7. The contention of the petitioner is that he was a Driver under the first respondent from 3-2-1999 and he was getting a monthly salary of ₹ 6,000 from them and on 7-9-2005 he was orally dismissed from service, which is not valid under law and not binding on him.

8. In order to prove his contention, the petitioner examined himself as PW.1 PW.1 in his evidence has deposed that he was working as Driver in the first respondent company from 3-2-1999 and he was getting a monthly salary of ₹ 6,000 from them and the said salary was given by obtaining signature on the vouchers only. He further deposed that after five years from service, he has demanded for confirmation order on 10-10-2004 with the Personnel Manager of the first respondent, who got angry and he called the Labour Contractor Venkatesan and asked him to send the E.S.I. contribution through him and sent a letter, dated 1-12-2004 to change the E.S.I. code number with an intention to treat him as a contract labour. PW.1 further deposed that since he was an employee under the first respondent company, he is eligible for all the benefits available to the permanent employee. On the side of the petitioner, Ex.P1 E.S.I. identity card of the petitioner, Ex.P2 mediclaim policy card of the petitioner, Ex.P3 letter, dated 27-11-2001 by the Senior Manager of first respondent company, Ex.P4 certificate, dated 1-1-2004 issued by the Manager of the first respondent company, Ex.P5 direction issued to the petitioner, dated 4-5-2000 by the first respondent company, Ex.P6 weekly schedule of drivers, Ex.P7, letter of E.S.I. to the petitioner, Ex.P8 letter for Conciliation, dated 16-9-2005 issued by the petitioner, Ex.P9 Failure report, dated 12-5-2006 and Ex.P10 Notification, dated 27-9-2006 were marked.

9. On the side of the first respondent, it is contended that the petitioner is not the workman of this respondent and there does not exist any employer-employee relationship between them, as he was not employed by them and this respondent engaged a contractor by name M. Savarimuthu to supply contract labour for carrying out the contractual obligations entrusted to him as and when required and he used to engage his own labour to carry out the said work. He further contended that the petitioner was employed under the said contractor and in the year 2004 some more new man power contractors were engaged by them and the second respondent was one among them and later the said contractor Savarimuthu severed his contract with them in the year 2005 and at the request of the petitioner, the second respondent took him on his roll and continued to deploy him as a Driver in the first respondent company as and when required.

10. On the side of the first respondent, one Vasanthakumar, Manager-Personnel and Administration was examined as RW.1 RW.1 has deposed about the facts as stated in their counter. On the side of the second respondent, one Venkatesan was examined as RW.2, who has deposed that the petitioner was working under him and not the employee of the first respondent.

11. The petitioner has marked the certificate issued by the first respondent as Ex.P4. A perusal of Ex.P4, dated 1-1-2004 reveals that the petitioner was working as Driver in the first respondent company from 5-3-2000. The above certificate was issued by one Mr. V. Balaji, Manager-Personnel on behalf of Shashun Chemicals and Drugs Limited. The relevant portion of Ex.P4 is as follows:—

“This is to certify that Mr. S. Murugan is working with us as Driver in our company since 5-3-2000.”

Further as Ex.P5, some directions have been issued by the first respondent company to their employees working as Drivers including the petitioner herein on 4-5-2000. From Ex.P4 and Ex.P5, it is evident that the petitioner was working under the first respondent company in relevant period and hence there was a relationship as employer-employee between the petitioner and the first respondent during the period.

12. On the side of the first respondent, it is contended that their company registered under the Companies Act, 1956 and is engaged in the manufacture of bulk drugs in its factory situated at Periyakalapet, Pondicherry and as a part of its requirements of driving and housekeeping jobs, etc., this respondent company engaged the contractor by name M. Savarimuthu to supply contract labour for carrying out the contractual obligations entrusted to the said contractor as and when required. RW.1 further submitted that the Labour Contractor used to engage his own labour to carry out the contractual obligations as agreed between the first respondent company and the said Labour Contractor and the petitioner was employed under the said Labour Contractor Savarimuthu and the petitioner was deployed by the said Labour Contractor to carry out driving and housekeeping job in the first respondent company and in the year 2004 some more new man power contractors were engaged by the first respondent company and the second respondent was one among them. He further submitted that as such the second respondent was also engaged by the first respondent to supply contract labourers for driving and housekeeping jobs as and when required by the first respondent from the month of April 2004 and later the said Labour Contractor Savarimuthu severed his contract with the first respondent in the year 2005 and thereafter at the request of the petitioner, the second respondent took him on his roll and continued to deploy him as a Driver in the first respondent company as and when required and the payment of wages was made to

the petitioner by the respective contractor. In order to support his claim, the learned counsel for the first respondent relied upon the following decisions:-

2004 LLR 809:

“Factor for determination - when an employee is engaged through the contractor - He cannot claim to be employee of the principal employer unless he established with documentary evidence - In the instant case, the workman failed to produce that he was interviewed subsequent to advertisement or that there was any direct relationship of employer and employee - Hence, no relationship of employer and employee come into existence.”

2009 STPL (LE) 42216 SC:

“In the absence of a notification under section 10 of CLRA Act prohibiting the employment of contract labour in the operation of cargo handling work, the workman employed as contract labour not entitled to claim absorption.”

2004 LLR 351:

“Merely because some persons had been more or less continuously working in a particular premises, would not be construed that the relationship of employer-employee has come into existence since other circumstances would be relevant factors.”

13. On the side of the first respondent, one Vasanthakumar, Manager-Personnel and Administration of the first respondent company was examined as RW.1. RW.1 in his evidence has stated that the petitioner was an employee under the second respondent and as such no relief can be claimed from them by the petitioner. RW.1 marked Ex.R8 to Ex.R28 and Ex.R31 to Ex.R34, which are related to the issuance of registration certificate to the first respondent under Contract Act, annual return of first respondent, licence issued to the contractors by name Savarimuthu and Venkatesan, renewal of licence and contract agreement between the first respondent and the said contractors. A perusal of those documents reveals that the first respondent was engaged one Savarimuthu and then one Venkatesan as contractors to supply contract labours for carrying out the contractual obligation entrusted to them as and when required. Ex.P40 and Ex.P41 are the copy of the challan for deposit of E.S.I. contribution of first respondent's employees. But in none of the documents, it is mentioned that the petitioner was an employee under the said contractors.

14. RW.1 has marked the salary register for the period from January 2004 to December 2004 as Ex.R42 and January 2005 to December 2005 as Ex.R43 to prove that the petitioner was not an employee under the first respondent. A perusal of those documents reveals that the first respondent has paid the salary for the various workmen, but the name of the petitioner has not been mentioned in those documents. But when the petitioner

claims that he was an employee under the first respondent from 1999 and during the year 2004 his E.S.I. code number has been changed with an intention to treat him as a contract labour and also when he filed documents under Ex.P3 and Ex.P4 to prove that he was working as a Driver in the first respondent company from 5-3-2000, it is for the first respondent to produce the wage register and other relevant records from 2000 to disprove the claim of the petitioner. The non-production of muster roll from the year 2000 will lead to draw adverse inference by the court as per the Indian Evidence Act. It is pertinent to note that the observation made by the Hon'ble Apex Court in the following case is very relevant to this case:-

2006(1) SCC Page 106:

"Now applying the above decision to the facts of the present case, we find that the workman herein had stepped in the witness box. He had called upon the management to produce the nominal muster rolls for the period commencing from 22-11-1988 to 20-6-1994. This period is the period borne out by the certificate (Ex.W1) issued by the former Assistant Executive Engineer. The evidence in rebuttal from the side of the management needs to be noticed. The management produced five nominal muster rolls (NMRs), out of which 3 NMRs, Ex.M1, Ex.M2 and Ex.M3 did not even relate to the concerned period. The relevant NMRs produced by the management were Ex.M4 and Ex.M5 which indicated that the workmen had worked for 43 days during the period 21-1-1994 to 20-2-1994 and 21-3-1994 to 20-4-1994 respectively. There is no explanation from the side of the management as to why for the remaining period the nominal muster rolls were not produced.

In the present case, the defence of the management was that although Ex.W1 refers to the period 22-11-1988 to 20-6-1994, the workman had not worked as a daily wager on all days during that period. If so, the management was duty bound to produce before the Labour Court the nominal muster rolls for the relevant period, particularly when it was summoned to do so.

15. The learned counsel for the first respondent pointed out the letter, dated 4-5-2001 and 9-2-2002 sent by the contractor by name Savarimuthu to the first respondent under Ex.R29 and Ex.R30 respectively and submitted that the petitioner was working under the said contractor and that a sum of ₹2,600 and ₹ 3,000 have been received from the first respondent towards his monthly salary. When the first respondent himself has issued a certificate on 1-1-2004 under Ex.P4 stating that the petitioner was working as a Driver in their company from 5-3-2000, how they can claim that the petitioner was an employee under the said Savarimuthu during the year 2001 and 2002. In this regard, there is no plausible explanation from the first respondent. In fact PW.1 during the cross-examination has admitted that Ex.P4 is their company letter pad. The relevant portion of his evidence is extracted hereunder:-

"*உடனடியாக எங்கள் கம்பனியடையது*".

This admission would clearly prove that Ex.P4 Certificate was issued by the first respondent company on 1-1-2004 that he was working under them as Driver from 5-3-2000 and hence the documents under Ex.R29 and Ex.R30 cannot be taken into consideration as true.

16. The contention of the petitioner is that he was an employee under the first respondent from 3-2-1999 and the first respondent has provided the facility of E.S.I. and mediclaim policy from New India Assurance Company Limited and the first respondent company has deducted a part of the amount of E.S.I. from the year 1999 itself and he enjoyed the facility of E.S.I. till his employment.

17. *Per contra*, the first respondent denied that they have provided the facility of mediclaim policy to the petitioner.

18. On the side of the petitioner, the copy of the mediclaim policy was marked as Ex.P2. On perusal of Ex.P2, it is seen that the petitioner was provided with mediclaim policy by the first respondent. Hence, the denial of the first respondent in this regard cannot be accepted.

19. As far as the E.S.I. contribution is concerned, the learned counsel for the first respondent has contended that as per the provisions of the Employees' State Insurance Act, 1948, all the employees including the contract labourers are to be covered under such statute on the very first day of joining and the contributions in respect of the contract labourers including the petitioner were deducted by the respective registered contractors and were remitted by them along with employer's contribution into Treasury Branch and copies of the challans have been sent to appropriate authority periodically. He further submitted that the E.S.I. and EPF authorities had not allotted any separate employer code to the contractors including the second respondent and hence they were forced to contribute to the E.S.I. and EPF Scheme under the code allotted to their principal *i.e.* the first respondent herein and the second respondent had later obtained separate establishment code for E.S.I.

20. In order to prove his contention, the first respondent has marked the copy of the letter sent by the second respondent to the E.S.I. with return of contribution (Form 6) for the period from April 2004 to September 2004 as Ex.P35, October 2004 to March 2005 as Ex.R36 and April 2005 to September 2005 as Ex.R37. A perusal of those documents reveals that the contractor Venkatesan has paid the E.S.I. contribution for the various employees including the petitioner herein for the period from October 2004 to September 2005. But PW.1 in his evidence has stated that on 10-10-2004 he

approached the Personnel Manager of the Company and demanded to issue confirmation order together with identity card and the facility of PF and EPF and the Personnel Manager of the first respondent got angry and shouted at him and then he called the said contract labour Venkatesan, the second respondent herein and asked him to send the E.S.I. contribution through him and the Personnel Manager also wrote a letter to the local office E.S.I. Corporation to change the E.S.I. code number with an intention to treat him as a contract labour. The petitioner himself has admitted that his E.S.I. Code number has been changed from the first respondent with an intention to treat him as a contract labour. The documents under Ex.R35 to Ex.R37 are pertaining to the year from 2004 and 2005. As already stated, since the first respondent has not produced the connected records prior to the year 2004, these documents under Ex.R35 to Ex.R37 cannot be taken into consideration. Hence, the available records would clearly prove that the petitioner was an employee under the first respondent and not under the second respondent and decisions cited by the learned counsel for the respondent are not applicable to the present facts and circumstances of the case. As such the oral order of the dismissal by the first respondent is not justified and consequently he is entitled for reinstatement from the first respondent. Accordingly, this point is answered.

21. On point No. 2:

In view of the decisions taken in the point No.1, the petitioner was an employee under the first respondent and not under the second respondent and consequently, he is entitled for reinstatement by the first respondent. The industrial dispute against the second respondent is dismissed. Accordingly, this point is answered.

22. In the result, the industrial dispute is allowed as against the first respondent and the first respondent is hereby directed to reinstate the petitioner with full back wages and other benefits. The industrial dispute as against the second respondent is dismissed. No costs.

Typed to my dictation, corrected and pronounced by me in the open court on this 29th day of July 2011.

T. MOHANDASS,
II Additional District Judge,
Presiding Officer, Labour Court,
Puducherry.

List of witnesses examined for the petitioner :

P.W. 1— 17-3-2011 S. Murugan

List of witnesses examined for the respondent :

RW.1 — 23-6-2011 K. Vasanthakumar

RW.2 — 12-7-2011 M. Venkatesan

List of exhibits marked for the petitioner :

Ex.P1 — Copy of the E.S.I. identity card of the petitioner.

- Ex.P2 — Copy of the mediclaim policy card of the petitioner.
- Ex.P3 — Letter, dated 27-11-2001 by the Senior Manager of first respondent.
- Ex.P4 — Certificate dated 1-1-2004 issued by the Manager of first respondent.
- Ex.P5 — Directions issued to the petitioner, dated 4-5-2002 by the first respondent.
- Ex.P6 — Weekly schedule of driver
- Ex.P7 — Letter of E.S.I. to the petitioner
- Ex.P8 — Letter for conciliation, dated 16-9-2005
- Ex.P9 — Failure report, dated 12-5-2006
- Ex.P10 — Notification, dated 27-9-2006

List of exhibits marked for the respondent :

- Ex.R1 — Copy of the letter by the petitioner to Labour Officer, dated 16-9-2005.
- Ex.R2 — Copy of the letter by the petitioner to opposition leader, dated 28-9-2005.
- Ex.R3 — Copy of the reply by first respondent to Labour Officer, dated 6-10-2005.
- Ex.R4 — Photocopy of the letter, dated 9-12-2005 by the petitioner to Labour Officer.
- Ex.R5 — Copy of the reply by first respondent to Labour Officer, dated 23-1-2006.
- Ex.R6 — Copy of the report on failure, dated 12-5-2006.
- Ex.R7 — Notification, dated 27-9-2006
- Ex.R8 — Copy of registration certificate issued to first respondent, dated 10-2-1994.
- Ex.R9 — Copy of the amended registration certificate, dated 24-11-1994.
- Ex.R10 — Copy of the amended registration certificate, dated 30-7-1999.
- Ex.R11 — Copy of the amended registration certificate, dated 7-1-2005.
- Ex.R12 — Copy of the annual return of first respondent, dated 19-1-1996.
- Ex.R13 — Copy of the annual return of first respondent, dated 31-1-2000.
- Ex.R14 — Copy of the annual return of first respondent, December 2001.
- Ex.R15 — Copy of the annual return of first respondent, December 2002.
- Ex.R16 — Copy of the annual return of first respondent, December 2003.
- Ex.R17 — Copy of the licence issued to Savarimuthu, dated 15-3-1994.
- Ex.R18 — Copy of the letter by Savarimuthu to Labour Officer, dated 5-2-1996.
- Ex.R19 — Copy of the licence to M. Savarimuthu, dated 4-6-1996.

Ex.R20 — Copy of the letter by Savarimuthu, dated 31-1-1997.

Ex.R21 — Copy of the licence to M. Savarimuthu, dated 19-5-1998.

Ex.R22 — Copy of the letter by Savarimuthu to Labour Officer, dated 22-1-1999.

Ex.R23 — Copy of the licence to Savarimuthu, dated 13-8-1999.

Ex.R24 — Copy of Form-VII by Savarimuthu

Ex.R25 — Copy of the licence to Savarimuthu, dated 13-8-1999.

Ex.R26 — Copy of the licence to M. Savarimuthu, dated 11-2-2002.

Ex.R27 — Copy of Form-XXIV, dated 26-7-1994 sent by Savarimuthu.

Ex.R28 — Copy of Form-XXIV, dated 1-8-1995 sent by Savarimuthu.

Ex.R29 — Copy of bill of Savarimuthu, dated 4-5-2001.

Ex.R30 — Copy of the bill, dated 9-2-2002 by Savarimuthu.

Ex.R31 — Copy of the letter by first respondent, dated 24-4-2004.

Ex.R32 — Copy of contract agreement between first and second respondent, dated 27-4-2004.

Ex.R33 — Copy of licence issued to M. Venkatesan, dated 19-1-2005.

Ex.R34 — Copy of Form-VII by Venkatesan, dated 11-1-2006.

Ex.R35 — Letter, dated 7-2-2005 by second respondent to E.S.I. Corporation.

Ex.R36 — Letter by second respondent, dated 30-5-2005 to E.S.I. Corporation.

Ex.R37 — Letter, dated 14-11-2005 by the second respondent to E.S.I. Corporation.

Ex.R38 — Letter by Savarimuthu, dated 20-6-2001 to E.S.I. Corporation.

Ex.R39 — Copy of E.S.I. return of contribution for the period March 2005.

Ex.R40 — Copy of the challan for deposit of E.S.I. contribution.

Ex.R41 — Copy of challan for deposit of E.S.I. contribution.

Ex.R42 — Copy of the salary register from January 2004 to December 2004.

Ex.R43 — Copy of the salary register from January 2005 to December 2005.

T. MOHANDASS,
II Additional District Judge,
Presiding Officer, Labour Court,
Puducherry.

**GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT**

(*G.O. Rt. No. 227/AIL/Lab./J/2011, dated 29th December 2011*)

NOTIFICATION

Whereas, the Award in I.D. No.15/2010, dated 13-10-2011 of the Labour Court, Puducherry in respect of the industrial dispute between the management of M/s. Cadilla Pharmaceuticals Limited, Chennai and Thiru V. Chandramohan over non-employment has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) read with the notification issued in Labour Department's G.O. Ms. No. 20/91/Lab./L, dated 23-5-1991, it is hereby directed by Secretary to Government (Labour) that the said Award shall be published in the official gazette, Puducherry.

(By order)

G. MALAR KANNAN,
Joint Secretary to Government (Labour).

BEFORE THE LABOUR COURT AT PUDUCHERRY

Present : Thiru T. MOHANDASS, M.A., M.L.,
II Additional District Judge,
Presiding Officer, Labour Court,
Puducherry.

Thursday, the 13th day of October 2011

I. D. No. 15/2010

V. Chandramohan,
S/o. K. Vanmiganathan . . Petitioner

Versus

The Sales Manager,
M/s. Cadilla Pharmaceuticals
Limited. . . Respondent.

This industrial dispute coming on this day for hearing before me, in the presence of M/s. Law Solvers. advocates for the petitioner, the respondent called absent and set *ex parte*, after perusing the case records, this court passed the following:

ORDER

This industrial dispute has been referred to this court by the Government of Puducherry, *vide* G.O.Rt.No.55/AIL/Lab./J/2010, dated 23-3-2010 of the Labour Department, Puducherry to resolve the following disputes:

(1) Whether the dispute raised by Thiru V. Chandramohan against the management of M/s. Cadilla Pharmaceuticals Limited, over non-employment is justified or not?

(2) If justified, what relief the petitioner is entitled to?

(3) To compute the relief, if any awarded in terms of money, if it can be so computed?

2. PW.1 present. Proof affidavit filed. Exs.P1 to P13 marked. Claim proved. Petition is allowed. The respondent is hereby directed to reinstate the petitioner with full back wages, continuity of service and with other benefits. No costs.

Typed to my dictation, corrected and pronounced by me in the open court on this the 13th day of October 2011.

T. MOHANDASS,
II Additional District Judge,
Presiding Officer, Labour Court,
Puducherry.

List of witnesses examined for the petitioner :

PW.1 — 13-10-2011 V. Chandramohan (Petitioner)

List of witnesses examined for the respondent : Nil

List of exhibits marked for the petitioner :

Ex.P1 — 10-6-1996 Letter of appointment issued to the petitioner.

Ex.P2 — 9-12-2002 Transfer order issued to the petitioner.

Ex.P3 — 14-4-2007 Transfer order issued to the petitioner.

Ex.P4 — 26-2-2008 Letter issued to the petitioner

Ex.P5 — 1-5-2008 Charge sheet-cum-enquiry notice issued to the petitioner.

Ex.P6 — 4-6-2008 Enquiry proceedings along with the covering letter to the petitioner.

Ex.P7 — 20-6-2008 Enquiry proceedings along with the covering letter to the petitioner.

Ex.P8 — 29-7-2008 Enquiry proceedings along with the covering letter to the petitioner.

Ex.P9 — 6-8-2008 Findings of the Enquiry Officer issued to the petitioner.

Ex.P10 — 12-8-2008 Second show cause notice issued to the petitioner.

Ex.P11 — 2-9-2008 Dismissal order issued to the petitioner.

Ex.P12 — 18-8-2008 Reply by the petitioner to the management.

Ex.P13 — 29-8-2008 Reply by the petitioner to the management.

List of exhibits marked for the respondent : Nil

T. MOHANDASS,
II Additional District Judge,
Presiding Officer, Labour Court,
Puducherry.

**GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT**

(G.O. Rt. No. 228/AIL/Lab./J/2011, dated 29th December 2011)

NOTIFICATION

Whereas, the Award in I.D. No.12/2010, dated 29-9-2011 of the Labour Court, Puducherry in respect of the industrial dispute between the management of M/s. Leo Fasteners Unit-I, Puducherry and Thiru K.Veeravel over non-employment has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947) read with the notification issued in Labour Department's G.O. Ms.No.20/91/Lab./L, dated 23-5-1991, it is hereby directed by Secretary to Government (Labour) that the said Award shall be published in the official gazette, Puducherry.

(By order)

G. MALAR KANNAN,
Joint Secretary to Government (Labour).

BEFORE THE LABOUR COURT AT PUDUCHERRY

*Present :Thiru T. MOHANDASS, M.A., M.L.,
II Additional District Judge,
Presiding Officer, Labour Court,
Puducherry.*

Thursday, the 29th day of September 2011

I.D. No. 12/2010

K. Veeravel,
42, Vayalveli Nagar,
Mariyal Nagar, Reddiarpalayam,
Puducherry. ... Petitioner

Versus

The Managing Director,
Leo Fasteners Unit-II,
Thattanchavady,
Puducherry. ... Respondent

This petition coming before me for final hearing on 5-8-2011 in the presence of Thiruvalargal S. Lenin Durai, M. Veerappan, William Jerome Vincent and M. Danalatchoumy, advocates for the petitioner, Thiru. K. Parthiban, advocate, for the respondent, upon hearing both sides, after perusing the case records and having stood over for consideration till this day, this court delivered the following:

AWARD

This industrial dispute arises out of the reference made by the Government of Puducherry, *vide* G.O.Rt.No.46/AIL/LAB./J/2010, dated 12-3-2010 of the Labour Department, Puducherry, to resolve the following dispute between the petitioner and the respondent, *viz.*,

(1) Whether the dispute raised by Thiru K. Veeravel against the management of M/s. Leo Fasteners Unit-II, Puducherry over non-employment is justified or not?

(2) If justified, what relief, the petitioner is entitled to?

(3) To compute the relief, if any, awarded in terms of money, if it can be so computed?

2. The petitioner in his claim statement has stated as follows:

The petitioner joined as Helper in the respondent company on 13-8-2001 and he was confirmed with effect from 18-4-2003. He performed his duty in the production continuously for more than nine years and during his service period he proved his skill and talent and co-operated with the management in all aspects to increase the production and also maintained discipline within the factory premises. In order to protect his service condition and rights, he joined an Employees' Union affiliated with BMS and placed to charter of demand to the management along with the other employees. The management got provoked for the act of the petitioner to join in an Employees' Trade Union and thereby the management adopted all kinds of unfair labour practice against the petitioner. The petitioner, who had rendered an unblemished service for more than nine years, he was refused employment from 29-2-2009 asking him to produce medical certificate for his fitness to work in night shift and with machineries. The management referred him for super speciality treatment to Chettinad Hospital and Research Institute. The petitioner went to the said hospital and they certified that he was fit for night duties and with machineries. The E.S.I. authority, Pondicherry also sent final report to the management that the petitioner was fit to work on the night shifts with machineries. But the respondent management again asked the petitioner to approach the Medical Board, Pondicherry

for his fitness. The management has no power or authority to reject the fitness certificate issued by the competent authorities. The management without following legal formalities, without giving reasonable opportunities, without any formal enquiry, all of a sudden, the petitioner was refused employment which is unlawful and illegal. No domestic enquiry has been conducted in this case. Hence, the termination of the petitioner is illegal.

3. In the counter statement, the respondent has stated as follows:-

The petitioner was working as Helper in the respondent company from 14-8-2003 and he has been assigned with the work of operating the machines with moving parts. The petitioner having produced a medical certificate, dated 22-10-2008 issued by Brahman Siddha Hospital and Research Centre, Pondicherry asked to permit him to work in the general shift stating that he is suffering from neurological disorder of hemispherical dysfunction for the past one year. Though the respondent sought for clarification regarding the disease of the petitioner with the said doctor, he did not reply. On 15-12-2008 the petitioner produced a letter, dated 11-12-2008 said to have been issued by the said hospital with the recommendation stating that the petitioner is advised to avoid operating machineries, driving vehicles and handling sharp equipment and he is not fit for night duty annexing with the opinion letter of neuro physician.

Based on the medical certificate issued by the said hospital, the management sent a letter, dated 6-2-2009 to the petitioner offering alternate non-machine work in shift with change in salary for which the petitioner submitted a letter on 10-2-2009 stating that he is fit and can do normal work, which he was doing. Since the petitioner has sought to continue work on machines, which is contra to the earlier demand, the respondent had issued a letter, dated 13-2-2009 asking him to produce fitness certificate from the doctor. But the petitioner has not produced any such fitness certificate. Under these circumstances, the petitioner did not come to work from 1-3-2009. Since the respondent insisted the petitioner to produce the fitness certificate, the petitioner produced a letter, dated 31-3-2009 annexing a fitness certificate issued by Dr. Padmaja of E.S.I. Dispensary, Reddiarpalayam that he is fit to resume work from 31-3-2009. Since the fitness certificate was also not specific and clear with the petitioner's fitness, the respondent sent a letter on 1-4-2009 to the petitioner seeking clarification in this regard, the petitioner produced a treatment

slip dated 7-4-2009 issued by E.S.I. Hospital with the findings that the petitioner is not fit to work in shifts and not fit to work on machines. While it is so, on 15-5-2009, the petitioner produced the E.S.I. referral slip stating that he is fit to work in shifts and on machines. Since the same Medical Officer has issued different and totally contradictory opinions, the respondent was constrained to have a doubt and hence the respondent had sent a letter on 16-5-2009 to the Medical Superintendent of E.S.I. Hospital seeking clarification in this regard and the said Medical Officer has issued a fitness certificate dated 22-5-2009 alleging that the petitioner is now fit to work on machines and shifts as final report. Since the petitioner produced various medical certificates with contradictory and conflicting opinions, the respondent has sent a letter on 26-2-2009 seeking the petitioner to appear before the Medical Board, Pondicherry in order to ascertain the genuine fitness condition of the petitioner for future course of action. But the petitioner has not undergone any investigation before the Medical Board of Pondicherry. In the absence of any such conclusive medical proof, the respondent was unable to induct the petitioner in service. Further as the petitioner himself has absented from his duty unauthorisedly from 1-3-2009, he has no *locus standi* to claim anything from the respondent. Hence, he prays to dismiss the industrial dispute.

4. On the side of the petitioner, PW.1 was examined and Ex.P1 to Ex.P8 were marked. On the side of the respondent, RW.1 was examined and Ex.R1 to Ex.R25 were marked.

5. Now the point for determination is:

Whether the petitioner is entitled for the relief sought for?

6. On this point:

The contention of the petitioner is that he joined as Helper in the respondent company on 13-8-2001 and he was confirmed with effect from 18-4-2003 and he performed his duty in the production continuously for more than nine years and in order to protect his service condition and rights, he joined an Employees Union affiliated with BMS and placed to charter of demand to the management along with the other employees and the management got provoked for the act of the petitioner to join in an Employees Trade Union and thereby the management adopted all kinds of unfair labour practice against the petitioner. It is further contended by the petitioner that he was refused employment from 29-2-2009 asking him to produce medical certificate for his fitness to work in night shift and with machineries and the management referred him

for super speciality treatment to Chettinad Hospital and Research Institute and he went to the said hospital and they certified that he was fit for night duties and with machineries and the E.S.I. authority, Pondicherry also sent final report to the management that he was fit to work on the night shifts with machineries, but the respondent management again asked him to approach the Medical Board, Pondicherry for his fitness and the management has no power or authority to reject the fitness certificate issued by the competent authorities.

7. In order to prove the said fact, the petitioner examined himself as PW.1 and he has marked Ex.P1 to Ex.P8.

8. *Per contra*, the contention of the respondent is that it is true that the petitioner was a Helper in their company and he was referred to various hospital for getting fitness certificate, since he was suffering from neurological disorder of hemispherical dysfunction and since the petitioner produced various medical certificates with contradictory and conflicting opinions about his fitness, the respondent has sent a letter on 26-8-2009 to the petitioner asking him to appear before the Medical Board, Pondicherry in order to ascertain the genuine fitness condition of the petitioner for future course of action, but the petitioner has not undergone any investigation before the Medical Board of Pondicherry in order to assertively prove his fitness condition to work. In order to prove the said fact, the HR Executive of the respondent company was examined as RW.1 and he marked Ex.R1 to Ex.R25.

9. There is no dispute that the petitioner was an employee, working in the respondent company as Helper for more than nine years and he was confirmed with effect from 18-4-2003 under Ex.P1. Confirmation Letter, dated 15-7-2008. According to the petitioner, the respondent management with a clear ulterior motive and also an act of victimization, refused to give employment to him from 29-2-2009 and asked him to produce medical certificate for his fitness to work in night shift and with machineries and accordingly, he was referred to Chettinad Hospital and Research Institute for medical investigation and they have issued a certificate stating that he was fit for working in night duties and with machineries. In order to prove his claim, he has marked the copy of the medical certificate issued by Chettinad Health City Hospital, as Ex.P3. A perusal of Ex.P3 reveals that the hospital authorities have taken various blood tests and issued a certificate on 12-5-2009 stating that the petitioner is fit for night shift duties and working with machineries.

10. It is further contended by the petitioner that after receipt of Ex.P3, he was again compelled to go for medical investigation with E.S.I. Hospital, Pondicherry and the E.S.I. Authority after examining him, sent a final

report stating that he was fit to work on night shifts with machines, but instead of accepting the said certificate, the respondent management again referred him to the E.S.I. Hospital for fitness certificate. In order to prove the same, he has marked the certificate issued by E.S.I. Hospital as Ex.P4. Ex.P4 reveals that after taking various tests like E.C.G, E.E.G, C.B.C and M.R.I, the Medical Officer of E.S.I. Hospital has issued a certificate on 15-5-2009 stating that the petitioner is fit for night duties and machineries. Ex.P5 is the copy of the another fitness certificate issued by the E.S.I. Hospital on 22-5-2009 stating that the same is final report, as per which the petitioner is now fit to work on machines and in shifts.

11. On the other hand, RW.1 has contended that the petitioner was referred to Brammam Siddha Hospital and Research Centre and they have issued a certificate under Ex.R6 on 11-12-2008 stating that the petitioner is not fit for operating machineries and night duty. It is further submitted by RW.1 that based on the medical certificate issued by the said hospital, they have sent a letter, dated 6-2-2009 under Ex.R13 to the petitioner offering alternate non-machine work in shift with change in salary for which the petitioner submitted a letter on 10-2-2009 under Ex.R14 stating that he is fit and can do normal work which he was doing and hence they issued a letter, dated 13-2-2009 under Ex.R15 asking the petitioner to produce fitness certificate from the doctor that he is fit to operate the machines within one week, but he has failed to produce the said certificate. The respondent further submitted that again on 28-2-2009 they have sent a reminder letter under Ex.R16 seeking fitness certificate from the petitioner, but he did not come to work from 1-3-2009 and when they strictly asked the petitioner to furnish the doctor certificate confirming his fitness by letter dated 16-3-2009 under Ex.R18, the petitioner produced a letter, dated 31-3-2009 annexing a fitness certificate issued by Dr. Padmaja of E.S.I. Hospital, Pondicherry that he is fit to resume work from 31-3-2009. He further submitted that since the said report is not clear as to whether the petitioner is fit to work in shifts and machines, they have sent a letter dated 1-4-2009 under Ex.R19, for which the petitioner has produced the treatment slip, dated 7-4-2009 issued by E.S.I. Hospital, Gorimedu under Ex.R20. As per which, the petitioner is not fit to work in shifts and not fit to work on machines and while it is so, on 15-5-2009 the petitioner produced an E.S.I. referrel slip under Ex.R21 stating that he is fit to work in shifts and on machines and since the Medical Superintendent of E.S.I. has issued different and totally contradictory opinions, they have sent a letter, dated 16-5-2009 under Ex.R22 seeking clarification in this regard and the said Medical Superintendent for the reasons best known to him, having changed his earlier versions, has issued a fitness

certificate under Ex.R23 (Ex.P5), dated 22-5-2009 stating that he is now fit to work on machines and shifts as final report and since the petitioner produced various medical certificates with contradictory and conflicting opinions, they have sent a letter on 26-8-2009 under Ex.R24 asking the petitioner to appear before the Medical Board, Pondicherry.

13. As per the treatment slip of E.S.I. Hospital dated 7-4-2009 under Ex.R20, the petitioner is not fit to work in shifts and not fit to work on machines and as per the letter issued by the same E.S.I. Hospital, dated 22-5-2009 under Ex.R23, he is fit to work in shifts and on machines. In this regard, the learned counsel for the respondent would submit that the petitioner produced various medical certificates with contradictory and conflicting opinions and recommendations which created doubt over the same. He further submitted that the mere reading of the medical certificates and the letter correspondences with regard to the fitness of the petitioner would prove in crystal clear terms that the petitioner is unfit to do any work in shifts and on machines.

14. It is true that the petitioner was suffering from neurological disorder (hemispherical dysfunction) as per the certificate issued by Brammam Siddha Hospital and Research Centre on 22-10-2008 under Ex.R6. When the petitioner was temporarily affected by his health on one occasion and availed medical treatment in the earlier time and thereafter there is a chance of getting cured in his physical condition. Further it is natural and common phenomena that every human being has to suffer with certain illness and after getting proper treatment, he can recover from the said illness and physical condition. In this case, the petitioner would have suffered illness on 7-4-2009 and that is why the Medical Officer would have issued the certificate under Ex.R20 stating that he is not fit to work in shifts and the presumption is subsequently, he would have recovered from the illness and hence the certificate under Ex.R23 would have been issued on 22-5-2009 that he is fit to work in shift. As admitted by the respondent, the certificate issued by the Medical Superintendent of E.S.I. Hospital is an authentic certificate and when he issued the certificate under Ex.R23 (Ex.P5), stating that the final report is issued that the petitioner is fit for work in shifts, it is for the respondent to consider the said certificate and permit the petitioner to work in shifts based on the said certificate. But even after getting the fitness certificate, under Ex.R23, the respondent again directed the petitioner to appear before the Medical Board, Pondicherry as per Ex.R24, dated 26-8-2009 and then they directed the petitioner to appear before the Director (Health), General Hospital, Pondicherry under Ex.R25, dated 10-10-2009 to ascertain the genuine fitness condition. As per the order of the respondent

management, the petitioner appeared before the Director, Directorate of Health Services, Pondicherry and submitted a letter under Ex.P6, requesting him to issue fitness certificate, but the said letter was returned with an endorsement that the Medical Superintendent, E.S.I. Authority, Gorimedu, Pondicherry is a competent authority to issue the fitness certificate for the insured persons. As already stated, the Medical Superintendent, E.S.I. Hospital has issued a final report under Ex.R23 (Ex.P5) stating that the petitioner is now fit to work on machines and in shifts. Under the above circumstances, the respondent has no power or authority to reject the fitness certificate issued by the competent authority, who is a medical expert to say about the fitness for joining duty, as submitted by the learned counsel for the petitioner.

15. The petitioner has submitted that he has fulfilled the obligation on his part to produce medical certificate from the approved medical authority for his fitness to the job in the respondent company, but the respondent management failed to honour their commitment in respect of giving employment to him and in fact they refused to give employment without adducing any acceptable reason in this regard and thereby the respondent was indulging in unfair labour practices. On the side of the petitioner, the following decision was relied:-

2010 III LLJ 557 (Del.)

Om Prakash Vs. Lamba Plastics:

“The High Court observed that the finding of the Labour Court was contrary to evidence on record. The respondent was indulging in unfair labour practices. The termination of appellant from service was illegal. Consequently direction to reinstate appellant with back wages was issued.”

16. But the respondent management has stated that as the petitioner himself absented from his duty unauthorisedly from 1-3-2009 under false pretext of producing various contradictory medical certificates and left the service voluntarily without assigning any valid reason, the petitioner has no *locus standi* to claim anything from them.

17. As per the own version of RW.1 they strictly asked the petitioner to furnish doctor certificate confirming his fitness so as to allow him to work on machines by letter Ex.R18, dated 16-3-2009 and subsequently the petitioner produced a letter, dated 31-3-2009 annexing the fitness certificate issued by E.S.I. Hospital that he is fit to resume work from 31-3-2009 and since the fitness certificate was not specific and clear, they have sent a letter on 1-4-2009 Ex.R19 to the petitioner seeking clarification with regard to fitness to work in shifts, for which the petitioner produced the treatment slip Ex.R20, dated 7-4-2009 issued by E.S.I. Hospital that the petitioner is not fit to work in shift and while it is so on 15-5-2009 the petitioner produced

the fitness certificate issued by Chettinad Hospital Ex.R21, dated 12-5-2009 stating that he is fit to work in shifts and on machines. From the evidence of RW.1 and the documents under Ex.R18 to Ex.R21, it can be seen that after 1-3-2009, i.e., from which date the respondent claims that the petitioner is unauthorisedly absent, the respondent insisted the petitioner to get the fitness certificate so as to allow him to work and the petitioner was trying to get the same and finally he submitted the fitness certificate, dated 22-5-2009 under Ex.R23 (Ex.P5). Hence, the version of RW.1 that the petitioner himself unauthorisedly absent from 1-3-2009 is falsehood and cannot be accepted.

18. Even if the petitioner is unauthorisedly absent from 1-3-2009, it is for the respondent to issue memo calling for explanation and to conduct the domestic enquiry and after giving fair opportunity to the petitioner and after complying all the legal formalities then only, the petitioner can be terminated. In this case, no domestic enquiry was conducted and there is no termination order issued to the petitioner. It is pertinent to refer the following decisions, which is relevant to this case:-

2002(4) L.L.N. 850 (Allahabad):

“Abandonment of service - Even in the case of alleged abandonment, it is necessary for employer to conduct an enquiry, issue a charge sheet and notice to the workman concerned informing him that he is continuously absenting without any sanctioned leave- Admittedly this having not been done in this case the plea of employer about abandonment of service by workman not tenable”.

1991 (1) LLN Page 817:

“Misconduct - Situs of - Relevancy of - Workmen dismissed without enquiry for misconduct of assaulting engineer of factory - Incident taking place outside factory premises -Such an incident, held, cannot form basis of charge on ground of misconduct to bring it within scope of relevant standing order - Award of Labour Court reinstating workmen on ground that the involvement of workmen in the incident of assault has not been established cannot be interfered with by High Court -High Court cannot go into question of adequacy of evidence.”

19. Even in a case of assaulting the employee, the domestic enquiry should be conducted as held by the Hon’ble High Court in the second citation mentioned above. In this case, the respondent’s allegation against the petitioner is that he absented himself from duty from 1-3-2009 that too, was not properly proved as discussed above. Further it is not the case of the respondent that the petitioner was regular in indulging misconduct with the employees. There is no past history of the workman to show that the petitioner involved in any misconduct or indiscipline by violating the principles of labour enactments. Further as admitted by

the respondent, the petitioner was a permanent employee, who was working for more than nine years and hence the respondent cannot terminate the petitioner without any domestic enquiry. Hence, I feel that the act of the respondent company was a clear case of violation of labour laws and acted against the spirit of welfare of the workmen of the company and hence it is against the provision of labour enactments and natural justice. Accordingly, this point is answered.

20. In the result, the industrial dispute is allowed. The respondent is hereby directed to reinstate the petitioner with continuity of service and other attendant benefits. The respondent is also directed to pay 50% of back wages from September 2009 till the date of reinstatement in the circumstances of the case. No costs.

Typed to my dictation, corrected and pronounced by me in the open court on this the 29th day of September 2011 .

T. MOHANDASS,
II Additional District Judge,
Presiding Officer, Labour Court,
Puducherry.

List of witnesses examined for the petitioner :

P.W.1 — 28-7-2011 Veeravel

List of witnesses examined for the respondent :

RW.1 — 15-9-2011 Sachin J. Khiya

List of exhibits marked for the petitioner :

Ex.P1 — Letter of Confirmation, dated 15-7-2008

Ex.P2 — Service Standing Order

Ex.P3 — Fitness certificate issued by Chettinad Hospital, dated 20-10-2009.

Ex.P4 — Fitness Certificate issued by E.S.I. Hospital, dated 14-5-2009.

Ex.P5 — Reference to Medical Board, dated 2-7-2009

Ex.P6 — Reply from Medical Board, dated 2-7-2009

Ex.P7 — Petition filed by the petitioner, dated 10-6-2009 to Labour Officer.

Ex.P8 — Failure Report, dated 18-2-2010

List of exhibits marked for the respondent :

Ex.R1 — Authorisation letter, dated 10-8-2011

Ex.R2 — Power of Attorney, dated 17-8-2011

Ex.R3 — Letter, dated 22-10-2008 issued by Sri Brammam Siddha Hospital.

Ex.R4 — Letter, dated 21-11-2008 sent by the respondent.

Ex.R5 — Letter, dated 3-12-2008 by the respondent to Dr. Sridhar.

Ex.R6 — Letter, dated 11-12-2008 issued by Sri Brammam Siddha Hospital.

Ex.R7 — Letter, dated 31-12-2008 sent by respondent to Dr. Sridhar.

Ex.R8 — Letter, dated 3-1-2009 sent by respondent to the petitioner.

Ex.R9 — Letter, dated 8-1-2009 sent by the petitioner to the respondent.

Ex.R10 — Letter, dated 9-1-2009 sent by the respondent to the petitioner.

Ex.R11 — Letter, dated 19-1-2009 sent by the petitioner to the respondent.

Ex.R12 — Memo. dated 28-1-2009 sent by the respondent to the petitioner.

Ex.R13 — Letter, dated 6-2-2009 sent by the respondent to the petitioner.

Ex.R14 — Letter, dated 10-2-2009 sent by the petitioner to the respondent.

Ex.R15 — Letter, dated 13-2-2009 sent by the respondent to the petitioner.

Ex.R16 — Letter, dated 28-2-2009 sent by the respondent to the petitioner.

Ex.R17 — Letter, dated 10-3-2009 sent by the petitioner to the respondent.

Ex.R18 — Letter, dated 16-3-2009 sent by the respondent to the petitioner.

Ex.R19 — Letter, dated 1-4-2009 sent by the respondent to the petitioner.

Ex.R20 — Letter, dated 7-4-2009 issued by E.S.I. Hospital to the respondent.

Ex.R21 — Medical fitness certificate, dated 12-5-2009 issued by Chettinad Hospital.

Ex.R22 — Letter, dated 16-5-2009 sent by the respondent to E.S.I. Hospital.

Ex.R23 — Letter, dated 22-5-2009 sent by E.S.I. Hospital to the respondent.

Ex.R24 — Letter, dated 26-8-2009 sent by the respondent to the petitioner.

Ex.R25 — Letter, dated 10-10-2009 sent by the respondent to Health Department.

T. MOHANDASS,
II Additional District Judge,
Presiding Officer, Labour Court,
Puducherry.